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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

WILBUR ROSS, *et al.*,

Defendants.

Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION AND ORDER
REGARDING INTERVENTION BY
OAKDALE IRRIGATION DISTRICT AND
SOUTH SAN JOAQUIN IRRIGATION
DISTRICT**

(Doc. Nos. 177, 209)

This stipulation is entered into by Plaintiffs Pacific Coast Federation of Fishermen's Associations, Institute for Fisheries Resources, Golden State Salmon Association, Natural Resources Defense Council, Defenders of Wildlife, and Bay.Org d/b/a The Bay Institute ("Plaintiffs"); Defendants Wilbur Ross, in his official capacity as Secretary of Commerce; Chris Oliver, in his official capacity as Assistant Administrator for Fisheries at the National Oceanic

1 and Atmospheric Administration; National Marine Fisheries Service; David Bernhardt, in his
2 official capacity as Secretary of Interior; Aurelia Skipwith, in her official capacity as Director of
3 the U.S. Fish and Wildlife Service; U.S. Fish and Wildlife Service; Brenda Burman, in her
4 official capacity as commissioner of U.S. Bureau of Reclamation; U.S. Bureau of Reclamation
5 (“Federal Defendants”); Defendants-Intervenors Westlands Water District and San Luis & Delta-
6 Mendota Water Authority (together, “SLDMWA and Westlands”); Defendant-Intervenor State
7 Water Contractors (“SWC”); Defendants-Intervenors Sacramento River Settlement Contractors
8 (“SRS Contractors”),¹ the Defendant-Intervenor Tehama-Colusa Canal Authority (“TCCA”),
9 Defendant-Intervenor Contra Costa Water District, proposed Defendant-Intervenor Oakdale
10 Irrigation District (“OID”), proposed Defendant-Intervenor South San Joaquin Irrigation District
11 (“SSJID”), potential Defendants-Intervenors Friant Water Authority and Arvin-Edison Water
12 Storage District, and potential Defendants-Intervenors City of Folsom, City of Roseville and San
13 Juan Water District, all of which are collectively referred to herein as the “Parties.”

14 **RECITALS**

15 WHEREAS, Plaintiffs filed the instant action in the U.S. District Court for the Northern
16 District of California (“Northern District Court”), against the Federal Defendants. ECF Doc. No.
17 1.

18 WHEREAS, the Northern District Court granted a motion by SLDMWA and Westlands
19 for permissive intervention. ECF Doc. No. 37.

20 WHEREAS, the Northern District Court granted the SRS Contractors and TCCA
21 permissive intervention pursuant to the terms of a stipulation. ECF Doc. No. 102.

22 WHEREAS, the Northern District Court transferred the instant action to the U.S. District
23 Court for the Eastern District of California (“this Court”) by order dated March 20, 2020. ECF
24 Doc. No. 112.

25 WHEREAS, this Court granted a motion by the SWC for permissive intervention with
26 conditions on briefing. ECF Doc. No. 122.

27 ¹ The entities comprising the SRS Contractors are identified in the Stipulation and Order Regarding Intervention of
28 the SRS Contractors, ECF Doc. No. 102, and the Stipulation and Order Regarding Intervention of City of Redding
and Knights Landing Investors, LLC, ECF Doc. No. 124.

1 WHEREAS, this Court granted the City of Redding and Knights Landing Investors
2 permissive intervention as part of the SRS Contractors, pursuant to the terms of a stipulation. ECF
3 Doc. No. 124.

4 WHEREAS, OID and SSJID moved to intervene in the instant action by notice of motion
5 and motion dated May 14, 2020, wherein they asserted that they jointly hold adjudicated, pre-
6 1914 water rights on the Stanislaus River that are senior to those held by the U.S. Bureau of
7 Reclamation, and that they are parties to a 1988 agreement with the U.S. Bureau of Reclamation.
8 ECF Doc. No. 177.

9 WHEREAS, Plaintiffs filed a response to OID and SSJID's motion to intervene, opposing
10 the motion to intervene as a matter of right, but not opposing their application for permissive
11 intervention, so long as such intervention was subject to certain conditions as articulated in
12 Plaintiffs' response. ECF Doc. No. 186.

13 WHEREAS, this Court issued an order dated July 10, 2020 (and filed July 13, 2020),
14 regarding page limitations and other requirements for briefing and directing certain parties,
15 including Plaintiffs, OID, and SSJID, to meet and confer in an attempt to resolve remaining
16 disputes regarding pending intervention motions ("Order re Page Limits"). ECF Doc. No. 208.

17 NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their
18 respective counsel, as follows:

19 1. OID and SSJID shall be granted permissive intervention in this action, subject to
20 the page limits and other restrictions on all briefing pursuant to the Court's Order re Page Limits,
21 ECF Doc. No. 208, as well as any additional limitations that the Court may impose on that
22 intervention, now or in the future, to ensure the fair and efficient resolution of this litigation.

23 2. OID and SSJID shall promptly file their answer in intervention to Plaintiffs' First
24 Amended Complaint (ECF Doc. No. 177-4).

25 3. Plaintiffs, OID and SSJID agree to abide by the Court's Order re Page Limits,
26 including the order's provisions regarding duplicative briefing. ECF Doc. No. 208.

1 Dated: July 24, 2020

/s/ Barbara J. Chisholm
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8 *Association, Natural Resources Defense Council,*
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Bay Institute

10 Dated: July 24, 2020

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15 *Fishermen's Associations and Institute for Fisheries*
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20 *Attorneys for Proposed Defendant-Intervenor*
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22 Dated: July 24, 2020

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26 *SOUTH SAN JOAQUIN IRRIGATION*
27 *DISTRICT*
28

1 Dated July 24, 2020

U.S. DEPARTMENT OF JUSTICE
ENVIRONMENTAL & NATURAL RESOURCES
DIVISION, WILDLIFE & MARINE RESOURCES
SECTION

2
3 By: /s/ Lesley Lawrence-Hammer
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6 Dated July 24, 2020

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10 *RECLAMATION DISTRICT NO. 108, SUTTER*
11 *MUTUAL WATER COMPANY; NATOMAS*
12 *CENTRAL MUTUAL WATER COMPANY;*
13 *RIVER GARDEN FARMS WATER COMPANY;*
14 *PLEASANT GROVE-VERONA MUTUAL*
15 *WATER COMPANY; PELGER MUTUAL*
16 *WATER COMPANY; MERIDIAN FARMS*
17 *WATER COMPANY; HENRY D. RICHTER, et al.;*
18 *HOWALD FARMS, INC.; OJI BROTHERS*
19 *FARM, INC.; OJI FAMILY PARTNERSHIP;*
20 *CARTER MUTUAL WATER COMPANY;*
21 *WINDSWEPT LAND AND LIVESTOCK*
22 *COMPANY; MAXWELL IRRIGATION*
23 *DISTRICT; BEVERLY F. ANDREOTTI, et al.;*
24 *TISDALE IRRIGATION AND DRAINAGE*
25 *COMPANY; PROVIDENT IRRIGATION*
26 *DISTRICT; PRINCETON-CODORA-GLENN*
27 *IRRIGATION DISTRICT and TEHAMACOLUSA*
28 *CANAL AUTHORITY*

19 Dated July 24, 2020

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22 *Attorneys for Defendants-Intervenors GLENN*
23 *COLUSA IRRIGATION DISTRICT;*
24 *RECLAMATION DISTRICT NO. 104;*
25 *CONAWAY PRESERVATION GROUP, LLC;*
26 *DAVID AND ALICE the VELDE FAMILY*
27 *TRUST; PELGER ROAD 1700, LLC;*
28 *ANDERSON- COTTONWOOD IRRIGATION*
DISTRICT; CITY OF REDDING; and KNIGHTS
LANDING INVESTORS, LLC

DATED: July 24, 2020

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DATED: July 24, 2020

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DATED: July 24, 2020

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DATED: July 24, 2020

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CONTRA COSTA WATER DISTRICT

DATED: July 24, 2020

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CITY OF FOLSOM, CITY OF ROSEVILLE, and
SAN JUAN WATER DISTRICT

ORDER

Pursuant to the Parties' Stipulation, the Court hereby grants Oakdale Irrigation District and South San Joaquin Irrigation District permissive intervention pursuant to the terms of the Stipulation (Doc. Nos. 177, 209).

IT IS SO ORDERED.

Dated: August 5, 2020


UNITED STATES DISTRICT JUDGE